

REMARKS

Applicants acknowledge receipt of a final Office Action dated March 6, 2008. This communication is accompanied by a Request for Continued Examination under 37 C.F.R. § 1.114 and fulfills the requirement for a “submission” under 37 C.F.R. § 1.114(c). Reconsideration of the present application is respectfully requested.

I. Status of the Claims

Claims 9 and 13 have been amended. These amendments do not introduce new matter. Claims 1-8, 10-12 and 15-25 are cancelled. The foregoing amendments are made solely to advance prosecution and without prejudice or disclaimer. Applicants reserve the right to file one or more continuing applications to subject matter removed by amendment. Following entry of these amendments, claims 9, 13 and 14 are pending.

II. Amendments and Objections to the Specification

On page 2 of the Office Action, the PTO maintains prior objections to Applicants’ attempts to amend the specification. Solely to advance prosecution, Applicants withdraw the previous attempts to incorporate text from WO92/19759 into the specification, and now seek to incorporate a smaller subset of material from WO92/19759.

Support for the amendment to the specification at page 10-11 may be found on page 11, which refers to “[a] preferred example of such a reshaped human antibody is hPM-1 (see Intl. Unexamined Patent Application No. WO 92/19759).” Within WO 92/19759 may be found the sequences of the CDRs of PM1. For example, the CDRs of the light chain of PM-1 are shown in Table 2 on page 22 of WO 92/19759, and the heavy chain CDRs are shown in Table 3 on pages 24 and 25.

The prior objection is based on the assertion that the *framework* regions of hPM-1 cannot be incorporated by reference, because it is unclear *which* framework is incorporated by reference from the of WO 92/19759. *See also* § III, below. By contrast, the present amendment to the specification does not recite framework sequences and recites only the

CDR regions of PM-1. Accordingly, it is respectfully believed that the objection is overcome, and that the amendment to the specification does not introduce new matter.

III. Rejections Under 35 U.S.C. § 112

On page 3 of the Office Action, the PTO maintains the rejection of claims 9, 11-14, 16-17, and 19-25 under the written description provision of 35 U.S.C. § 112, first paragraph. The rejection of claims 11, 12, 16-17 and 19-25 is rendered moot by their cancellation.

Regarding remaining claims 9, 13 and 14, it is respectfully believed that they comply with the requirements of 35 U.S.C. § 112, first paragraph. The PTO's rejection relies on the assertion that "humanized PM-I antibody" in the translation of the present specification recites a singular form, while the reference describes a plurality of humanized PM-I, such that it is unclear *which* humanized antibody is being incorporated by reference.

The process of "humanization" of an antibody involves the replacement of murine framework regions (FR) with human framework regions, while the complementarity determining regions (CDRs) are shared between all PM-I antibodies, humanized or not. The result is that the genus of humanized antibodies all share the same CDRs, but differ in the possible FRs that may be chosen, and so the question of "which" humanized antibody comes down to "which" FRs.

Because the pending claims recite *only* the CDRs, the question of "which" humanized antibody is to be incorporated by reference is overcome. Applicants accordingly request reconsideration and withdrawal of the rejection.

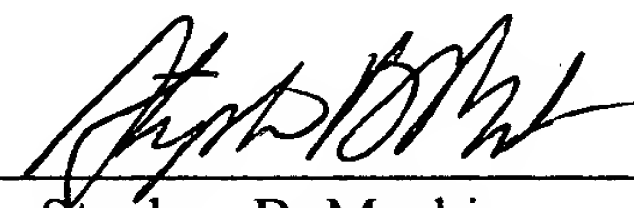
CONCLUSION

Applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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